

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
339**

**CODE OF ETHICS
EMPLOYEE CONDUCT
PROHIBITIONS AND PENALTIES**

Supersedes: AR 339 (09.01.07) (AR 339 04.05.04) AR 109 (11.15.04); AR 343 (04.05.04); (09.01.07); POP 339 (12.05.06)
Effective date: 02.08.08

AUTHORITY

Any and all relevant NRS and NAC including but not limited to: NRS Chapters 284 & 289; NRS 199.325; NRS 281.481; NAC 284.638 - 284.656; NAC 284.738 - 284.771

RESPONSIBILITY

The Director has the final and overall responsibility for administering employee discipline. The Director may delegate this authority.

The overall responsibility for compliance with the provisions set forth in this Administrative Regulation (AR) should be with the Appointing Authorities.

All Department employees are responsible to comply with this procedure at all times.

The Wardens/Division Heads are responsible to ensure compliance with this Administrative Regulation and to ensure that non-compliance with this procedure is reported and addressed in a timely manner.

All Wardens/Division Heads are responsible to distribute, post, and ensure accessibility and compliance with this AR.

The Department Personnel Officer should be responsible to process, coordinate service, and pursue consistency in employee discipline.

The Department Personnel office is responsible to ensure all new employees receive a copy of this AR and sign acknowledgment of such.

The Training Manager is responsible to develop and deliver training on this AR.

339.01 CODE OF ETHICS

1. Employees of the Nevada Department of Corrections should at all times adhere to the following Code of Ethics.

- The Nevada Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:
- Employees shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism or partisan demands.
- Employees shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.
- Employees shall maintain mutual respect and professional cooperation in their relationships with other staff members of the Department of Corrections.
- Employees shall be firm, fair, and consistent in the performance of their duties. Employees should treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment or abuse.
- Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, federal and State laws, rules and regulations, and policies of the Department.
- Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not bring discredit or embarrassment to the Department of Corrections and the State of Nevada.
- Employees shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of the Department of Corrections.
- Employees shall not use their position for personal gain.
- Employees shall maintain confidentiality of information that has been entrusted to them and designated as such.
- Employees shall not permit themselves to be placed under any kind of personal obligation that could lead any person to expect official favors.
- Employees shall not accept or solicit from anyone, either directly or indirectly, anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence their official conduct.
- Employees shall not discriminate against any inmate, employee or any member of the public on the basis of race, gender, creed, or national origin.
- Employees shall not sexually harass or condone sexual harassment with or against any person.
- Employees shall maintain the highest standards of personal hygiene, grooming and neatness while on duty or otherwise representing the Department.

339.02 EMPLOYEE CONDUCT ON AND OFF DUTY

1. All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity and impartiality, whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.
2. The penalty imposed for a violation of 339.07 Class of Offense Guidelines (18. v.), can range from a CLASS 1 – 5 violation depending upon the facts and circumstances of the particular case.
3. Under the law Peace Officers are expected to abide by the laws they are empowered to enforce. Employees will obey all laws of the U.S., State of Nevada, and ordinances in force in their jurisdiction. Violations of law, or an indictment, or information filed against an officer or a conviction will be cause for disciplinary action up to and including termination from employment.

339.03 CAUSES FOR CORRECTIVE/DISCIPLINARY ACTION

1. The following prohibited activities constitute cause for Corrective or Disciplinary action.
 - Any act of commission and/or omission that constitute misconduct.
 - Any activity that is incompatible with an employee's conditions of employment established by law or which violates a provision of the Nevada Administrative Code. This includes Nevada Administrative Code sections 284.650, 284.653, and 284.738 through 284.771.
 - Hostile Work Environment
 - Violations of any Department policy, rule, regulation, procedure or other directive.
 - Prohibited activities defined in the Department's Class of Offense Guideline, including all sub-categories listed under the following Headings:
 - Absent without Leave
 - Accidental Discharge of Firearm Due to Negligence
 - Alcohol Abuse
 - Narcotics/Drugs
 - Criminal Misconduct
 - Discourtesy
 - Discrimination/Sexual Harassment and other Title VII Violations
 - Dishonesty
 - False and Misleading Statements
 - Fraud in Securing Employment
 - Improper Political Activity
 - Insubordination
 - Misuse or Unauthorized Use of State Property
 - Computer Usage Violations

- Neglect of Duty
- Sexual Misconduct
- Unauthorized Use of Force
- Unbecoming Conduct

2. The Class of Offense Guideline delineates prohibited activities and ascribes a level of seriousness for each offense.

3. Administrative Regulation 339 should be included in an employee's new hire packet.

339.04 CORRECTIVE ACTION

1. Pursuant to AR 341, during the adjudication process following an official investigation, corrective action may not be issued by any Warden/Division Head or designee without written adjudication recommendation from the Department Personnel Officer.

2. Prior to an official investigation, corrective action may be utilized to address situations requiring immediate corrective action. An investigation and/or disciplinary action will follow.

- Verbal/Written Counseling
 - The Supervisor or Appointing Authorities should document and record all instances of verbal counseling in the supervisory record or on the performance card, to include the date, the nature of the counseling and the expected results.
 - The employee should sign or initial the documentation. If the employee refuses to sign, a witness signature must be obtained.
 - Any confirming written communication should be between the Employee involved and the Supervisor or Appointing Authorities only, with no other authorized distribution.
 - May be utilized during the evaluation process.
- Letter of Instruction
 - May be given to an employee when the employee's performance falls below standard or when the employee requires direction.
 - May be utilized during the evaluation process.
 - Must be prepared on Department letterhead.
 - Should be given to the employee promptly; however misconduct must wait for the outcome of an investigation.
 - Should specifically inform the employee of the specific deficiencies. If the employee violated a policy, procedure, and/or regulation identify what they violated.
 - Should identify what should have occurred.
 - Should identify what the employer/supervisor will do to assist the employee in being successful.
 - Should be viewed as a dialog between the employee and the employer.
 - Do NOT include any language referring to further discipline.
 - The Supervisor or Appointing Authority should provide a copy of the Letter of Instruction to the Employee. The Employee should sign one copy which should

be retained in the Supervisory file. This is NOT placed in their Official Personnel file.

- A signature from the Employee acknowledges receipt only, and the employee should be appropriately advised of this.
- If the employee refuses to sign, obtain a witness signature.

339.05 DISCIPLINARY ACTION

1. Pursuant to AR 341, during the adjudication process following an official investigation, disciplinary action may not be issued by any Warden/Division Head or designee without written adjudication recommendation from the Department Personnel Officer.

2. Letter of Reprimand

- When a Letter of Reprimand is warranted, the Supervisor or Appointing Authorities must use Form NPD-52.
- A signature from the Employee acknowledges receipt only, and the employee should be appropriately advised of this.
- The Letter of Reprimand should be maintained in the Personnel Record with the Department Personnel Division and the State Department of Personnel.
- If the employee refuses to sign, obtain a witness signature.

3. Specificity of Charges

- As part of the adjudication process described in AR/OP 341, the Warden/Division Head should make a determination regarding progressive discipline after consultation with the Department Personnel Officer.
- When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted.
- Upon completion of the draft Specificity of Charges it should be forwarded to the Department Personnel Officer or designee via e-mail or accompanied by a disk.
- The Department Personnel Officer should maintain a client/attorney privilege specificity file.
- The Specificity of Charges should be reviewed by the Department Personnel Officer or designee within 30 calendar days, unless there are extenuating circumstances.
- A written recommendation should be forwarded to the Office of the Attorney General, Litigation Division for Deputy Attorney General (DAG) review.
- The Department Personnel Officer should finalize the Specificity of Charges within 5 working days and obtain an Appointing Authority signature from the Director or designated representative.
- The Specificity of Charges should set forth disciplinary action as follows:
 - Suspension Without Pay/Demotion/Dismissal - The Appointing Authority should furnish the Employee with a written statement of the reasons and statutory grounds utilizing the Specificity of Charges.
 - Suspension should be imposed in terms of workdays for 8 hour shifts, and work hours for a 10 or 12 hour shift.

- Non-Exempt Classified Employees may be suspended without pay for a period not to exceed 30 calendar days.
 - Exempt Classified Employees may only be suspended without pay in increments of one or more full workweeks, not to exceed 30 calendar days.
 - The effective date of discipline should be established, pre/post disciplinary hearing should be scheduled, and effective date set pursuant to NAC 284.656, and then affix to the NPD-41 form.
 - The effective date should be no sooner than ten (10) working days from the date of service to the employee.
 - It is permissible for the rural camps and Ely State Prison to utilize a maximum of fifteen (15) working days, to allow sufficient time to process the Letter Imposing Disciplinary Action.
 - The pre/post disciplinary hearing date should be no sooner than seven (7) working days from the date of service to the employee.
 - The date of service on the employee should not be included when calculating the dates.
- The Specificity of Charges should then be returned to the Warden/Division Head for service to the employee within 2 weeks, unless there are extenuating circumstances.
 - The Warden/Division Head or designee should present the employee with the Specificity of Charges only for signature acknowledgement.
 - The employee should be presented with the Specificity of Charges in person whenever possible and when this is not possible the procedure outlined in NAC 284.656, (1) (a) should be followed.
 - The employee should retain a copy of the NPD-41, along with a copy of all paperwork attached thereto.
 - The original Specificity of Charges should be immediately returned to the Department Personnel Officer or designee and a copy of the NPD-41 and attachments should be retained by the Warden/Division Head.
 - A copy of the Specificity of Charges should be forwarded to the Pre/Post Disciplinary Hearing Officer.
 - The Pre/Post Disciplinary Hearing is an opportunity for the employee to make a presentation to the disciplinary hearing officer in defense of their position. This hearing should be tape recorded.
 - The disciplinary hearing officer should render a written report within 48 hours after conclusion of the hearing.
 - This report and tape recording should be addressed to the Director, and sent via the Department Personnel Officer.
 - Should the disciplinary hearing officer recommend reversal or revision of the Specificity of Charges, the Department Personnel Officer should confer with the Director or designee, the DAG, and the Warden/Division Head.
 - Upon determination of the final disciplinary action, the Department Personnel Officer should prepare the Letter Imposing Disciplinary Action on or before the effective date of discipline.

- This final letter should explain the discipline to be imposed and notify the employee of their appeal rights.
- The Letter Imposing Discipline should be mailed to the Employee's home address certified return receipt, and a copy may be given personally to the Employee.
- The Warden/Division Head should ensure the disciplinary action is imposed as designated in the Specificity of Charges.
- The Attorney General's Office should provide notification to the Department Personnel Officer or designee regarding an appeal and proposed settlement actions. The Director or designated representative has the authority to approve or disapprove settlement actions.
- The Department Personnel Division should document disciplinary action by placing a copy of the Specificity of Charges in the Personnel Record. A copy is also forwarded to the State Department of Personnel.
- Processing of Disciplinary Actions should not stop due to Warden/Division Head absence. All Warden/Division Heads who expect to be away from their positions due to annual leave, sick leave, extended training, etc., should appoint a designee to act in their behalf. This designee should handle all discipline and grievance actions during the absence.

339.06 PROHIBITIONS AND PENALTIES

1. The Chart of Corrective/Disciplinary measures ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses.

2. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

3. Multiple Infractions - In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

4. Progressive Discipline - Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion or dismissal.

5. Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise their professional

judgment and discretion, then recommend a penalty based upon the need to modify the employee’s behavior, set expectations for other employees, and maintain the public trust. There is no requirement that charges similar in nature must result in identical penalties.

6. Appointing Authorities and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in penalty rationales. It must be remembered that this is an historical document of penalties. As such, it may not reflect an appropriate penalty for the misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

7. Appointing Authorities should determine if arrests or convictions have an adverse impact on the employment of the employee by the State, and if an adverse impact is found, the appointing authority may immediately dismiss the employee.

8. The Department has developed a **Class of Offense Guide** which describes prohibited employee conduct and a **Chart of Corrective/Disciplinary Sanctions** which prescribes recommended penalties for inappropriate conduct.

	First Offense		Second Offense		Third Offense	
<i>Class</i>	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	Verbal Counseling	Written Reprimand	Written Reprimand	Suspension	Suspension	Dismissal
2	Written Reprimand	Suspension	Suspension	Suspension Demotion	Suspension Demotion	Dismissal
3	Suspension	Suspension Demotion	Suspension Demotion	Dismissal	Dismissal	N/A
4	Suspension Demotion	Dismissal	Suspension Demotion	Dismissal	Dismissal	N/A
5	Dismissal	Dismissal				

339.07 CLASS OF OFFENSE GUIDELINES

1. ABSENT WITHOUT LEAVE (AWOL)

- a. Unexcused tardiness. **CLASS 1**
- b. Absence without approved leave for three consecutive scheduled working days **CLASS 5**

2. **ACCIDENTAL DISCHARGE OF FIREARM DUE TO NEGLIGENCE**

- a. Accidental discharge of firearm because of negligence. **CLASS 2**
- b. Accidental discharge of firearm due to negligence, with substantial injury/damage. **CLASS 4**

3. **ALCOHOL ABUSE**

- a. Employees under the influence of alcohol while on duty. First offense. **CLASS 3**
Second offense within five years. **CLASS 5**
- b. Appear for duty with the odor of alcohol/intoxicant on person or breath. **CLASS 3**
- c. Purchase or consumption of alcohol while in uniform when off duty. **CLASS 2**
- d. Purchase or possess alcoholic beverage on duty. **CLASS 3**
- e. Consumption of an alcoholic beverage while on duty. **CLASS 4**
- f. Driving while under the influence of alcohol while on duty. **CLASS 4**
- g. Damaging State property while under the influence of alcoholic beverages. **CLASS 4**
- h. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. **NARCOTICS/DRUGS**

- a. Employees under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense **CLASS 3** Second offense within five years. **CLASS 5**
- b. Peace Officers and/or those employees who come into contact with inmates as a part of their job duties, under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense **CLASS 4** Second offense within five years **CLASS 5**
- c. Refusal to submit to a lawfully required controlled substance/narcotic/drug test. **CLASS 5**
- d. An employee driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense,

and the offense occurred while driving a state vehicle, or a privately owned vehicle on state business. **CLASS 4**

- e. Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance, narcotic, and/or drug at his place of work or on state business. **CLASS 4**
- f. Knowingly transport any person to buy/obtain any controlled substance, narcotic, and/or drug. **CLASS 4**
- g. Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his duties. **CLASS 4**

5. CRIMINAL MISCONDUCT

- a. An employee who is convicted of driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense while driving a state vehicle, or a privately owned vehicle on state business. **CLASS 5**
- b. An employee who is convicted of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at his place of work or on state business. **CLASS 5**
- c. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. **CLASS 4** **Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections.*
- d. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. **CLASS 4** **Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections.*
- e. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**
- f. Any sexual contact/conduct with an inmate under the supervision of the Department, including but not limited to, oral sexual contact or sexual intercourse, masturbation, homosexual acts, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires. **CLASS 5**

6. DISCOURTESY

- a. Discourteous or improper remark to a co-worker. **CLASS 2**

- b. Discourteous or improper remark to a member of the public. **CLASS 2**
- c. Inappropriate gesture or touching. **CLASS 2**
- d. Initiate and/or perpetuate malicious rumors regarding fellow employees. **CLASS 2**
- e. Verbal threats toward a staff member. **CLASS 3**

7. DISCRIMINATION/SEXUAL HARASSMENT AND OTHER TITLE VII VIOLATIONS

- “Hostile work environment” is a legal term for discriminatory conduct in violation of Title VII by employees that occurs over a period of time and by its nature changes an employee’s terms and conditions of employment. It is not a work environment that is unpleasant for reasons not directly associated with Title VII discrimination, such as a grouchy supervisor or ill-mannered co-workers.
 - “Sexual Harassment” as defined pursuant to NAC 284.771.
 - Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a CLASS 1 to a CLASS 5 in accordance with NAC 284.771.
 - NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must promptly discipline employees engaging in unlawful conduct to assure that the individual involved stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.
 - Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, or national origin.
 - Refer to NAC 284.771.
- a. Discriminating against or harassing another person because of that person's race, color, sex, religion, national origin, age, political affiliation or disability. **CLASS 4**
 - b. Make a discriminatory remark. **CLASS 2**
 - c. Improperly display photographs, cartoons, jokes of a discriminatory nature in the workplace. **CLASS 2**

8. DISHONESTY

- a. Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources. **CLASS 5**

- b. Theft of property belonging to another employee, a citizen, or an inmate. **CLASS 5**
- c. Knowingly making false statement on travel claims. **CLASS 5**
- d. Receiving travel expenses through false pretenses. **CLASS 5**
- e. Making a personal profit from State transactions. **CLASS 5**
- f. Accepting or soliciting a bribe or gratuity. **CLASS 5**
- g. Converting found, recovered or seized property to personal use. **CLASS 2**

9. FALSE AND MISLEADING STATEMENTS

- a. Knowingly providing false or misleading statements, either verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statements in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**
- b. Knowingly providing false/misleading statements to a supervisor. **CLASS 4**
- c. Knowingly falsifying any State record or report. **CLASS 5**
- d. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration or destruction of documents, log books, and other records. **CLASS 5**

10. FRAUD IN SECURING APPOINTMENT

- a. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**
- b. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

11. IMPROPER POLITICAL ACTIVITY

- a. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CLASS 2**

- b. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**
- c. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform or at public expense. **CLASS 3**
- d. Soliciting and/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of any benefit, reward, promotion, advancement or compensation. **CLASS 5**
- e. Subjecting any employee who chooses not to engage in any political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CLASS 5**

12. INSUBORDINATION

- a. Disobeying or refusing to obey, a statute, regulation, written instruction or direct order. **CLASS 4**
- b. Argue about the wisdom or propriety of an order or decision. **CLASS 2**
- c. Refusal to undergo a search of person or property on institutional property. **CLASS 5**
- d. Failure to provide identification or display proper I.D. **CLASS 1**
- e. Unauthorized service and or acceptance of legal process. **CLASS 1**
- f. Unauthorized representation of Department. **CLASS 2**
- g. Disobeying the State of Nevada smoking statutes. **CLASS 1**

13. MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY

- a. Damage to or loss of State property or equipment - neglect or carelessness. **CLASS 1**
- b. Failure to properly maintain State property and/or department equipment. **CLASS 1**

- c. Unauthorized use, misuse, or waste of property belonging to the State or Department. **CLASS 2**
- d. Unauthorized destruction of State records. **CLASS 5**
- e. Speeding or committing other traffic violations while driving a state owned vehicle, or reckless handling of other State equipment. **CLASS 2**
- f. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 3**
- g. Deliberate waste of materials or supplies. **CLASS 2**
- h. Unlawful removal of State property. **CLASS 5**
- i. Improper use of Department communications systems. **CLASS 4**
- j. Employees shall not permit inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. **CLASS 4**
- k. Intentional destruction, damage to or loss of property or State equipment. **CLASS 4**

14. COMPUTER USAGE VIOLATIONS

AR 143: An inmate shall not work on or with any computer, computer system or information system that is connected, in any way, to any network, or that is equipped with a modem, network card, or similar device, which would permit data communications or communications of any type with a person or device outside a Department facility. Failure to comply will result in disciplinary action up to and including termination.

- a. Unauthorized or Improper use or copying of proprietary software, electronic file, program, or data without authorization. **CLASS 4**
- b. Unauthorized use of Department data or programs for other than the administration of Department duties, responsibilities, and business. **CLASS 2**
- c. The inappropriate introduction or use of unauthorized computer hardware or software, including the downloading to Department computers of inappropriate or unauthorized materials from any source. **CLASS 2**
- d. Accessing Department computers using another employee's password. **CLASS 3**
- e. Misrepresenting oneself on the Internet as another person without authorization. **CLASS 3**

- f. Inappropriate use of Department e-mail or internet system that includes, use which violates any Administrative Regulation, Policy or Procedure, use for purposes not directly related to Department duties, unauthorized use to access and/or distribute computer games unrelated to the Department mission. **CLASS 3**
- g. Inappropriate use of Department e-mail or internet system that includes, use which violates any Law, use in any for-profit endeavor unrelated to Department duties, use for private business including commercial advertising, unauthorized fund-raising or public relations. **CLASS 4**
- h. Use of Department equipment for gambling. **CLASS 5**
- i. Use for access to and/or distribution/copying of indecent, adult, offensive or obscene material. **CLASS 5**
- j. Forge a digital signature. **CLASS 5**
- k. Attempting to, or intentionally using e-mail or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users. **CLASS 5**
- l. Unauthorized use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection. **CLASS 5**
- m. Intentionally allowing an inmate to have any password protected file. **CLASS 5**
- n. Inmates shall never be permitted to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. **CLASS 4**
- o. Inmates shall never be left unsupervised in any area which contains privileged, confidential, or sensitive information which is not properly secured. **CLASS 5**
- p. Improperly permitting an inmate to work on or use any computer, computer system, or information system that is connected in any way to a network or that is equipped with a modem, network card or similar device to permit communication outside a Department facility. **CLASS 5**
- q. Improperly permitting an inmate to write or modify any computer software owned, leased, or used by the Department or the State, or to utilize such software to collect or organize personal, Department or State proprietary data. **CLASS 5**

- r. Improperly instructing or permitting any inmate to provide technical assistance or otherwise assist staff with the resolution or attempted resolution of any computer, computer system, or information system problem. **CLASS 4**

15. NEGLECT OF DUTY

- a. Careless or sloppy work; frequent mistakes or errors. **CLASS 1**
- b. Failure to complete work assignments. **CLASS 1**
- c. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 2**
- d. Failure to take corrective action when warranted. **CLASS 1**
- e. Willful failure to intervene or respond when necessary. **CLASS 3**
- f. Making inappropriate recommendations. **CLASS 1**
- g. Wasting time or loitering, **CLASS 1**
- h. Failure to devote full time, attention and effort to assigned duties. **CLASS 2**
- i. Conducting outside/personal business on State time. **CLASS 2**
- j. Engage in unauthorized off duty employment, activity or enterprise determined to be inconsistent, incompatible, or in conflict with duties as employees of the Department. **CLASS 3**
- k. Improperly engage in secondary employment without an approved Request for Secondary Employment Form. **CLASS 2**
- l. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**
- m. Misplacement of important documents or property. **CLASS 1**
- n. Disregard of safety rules. **CLASS 2**
- o. Restricting output or work slowdown. **CLASS 1**
- p. Failure to make proper notification of sick leave. **CLASS 2**
- q. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**

- r. Failure to maintain required uniform. **CLASS 1**
- s. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**
- t. Failure to appear for court or a hearing when duly notified or subpoenaed. **CLASS 2**
- u. Failure to maintain personal appearance appropriate to the job. **CLASS 1**
- v. Loss of seized, found, or recovered property by negligence. **CLASS 1**
- w. Allowing unauthorized personnel to enter work areas. **CLASS 2**
- x. Failure to ensure subordinate employees perform required duties. **CLASS 1**
- y. Failure to report misconduct. **CLASS 3**
- z. Failure to exercise proper supervision over offenders. **CLASS 2**
- aa. Concealing or covering-up of defective workmanship. **CLASS 2**
- bb. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 5 working days. **CLASS 2**
- cc. Failure to report a violation of a traffic law when a driver's license is a requirement of the position. **CLASS 2**
- dd. Willful failure to turn seized, found, or recovered property directly to property custodian, court, or owner. **CLASS 2**
- ee. Preferential treatment of subordinates or offenders. **CLASS 2**
- ff. Failure to respond to radio call. **CLASS 2**
- gg. Failure to comply with any court order or judgment. **CLASS 3**
- hh. Unauthorized possession of weapons or security equipment on State Property. **CLASS 5**
- ii. Sleeping on duty or failure to remain fully awake while on duty. **CLASS 4**
- jj. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive and responsive to their surroundings while on duty. **CLASS 4**

- kk. Failure to perform security functions resulting in a security breach. **CLASS 4**
- ll. Failure to Discharge Duties - intentionally failing to discharge custodial responsibility provided that failure results in (a) escape of a prisoner or (b) the serious physical injury or death of another person. **CLASS 5**
- mm. Security Violation – Jeopardizing the security of the institution. **CLASS 5**
- nn. Engage in any act or communicating information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to improperly dispose of or secrete evidence. **CLASS 5**
- oo. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**
- pp. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**
- qq. Take any action that interferes with the administration of criminal justice, including intentionally interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. **CLASS 5**
- rr. Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct, investigation, arrest, or other administrative or enforcement action. **CLASS 5**
- ss. Removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report, or other official document maintained by the State, Department or any other criminal justice agency. (Official Department reports may be removed and/or copied only as allowed by law and Department policy/procedure.) **CLASS 5**
- tt. Leaving an assigned post while on duty without authorization of a supervisor. **CLASS 5**
- uu. Failure to meet Peace Officer Standards & Training (POST) requirements. **CLASS 5**
- vv. Failure to maintain a valid driver's license when it is a condition of employment. **CLASS 5**
- ww. Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**

- xx. Introduction of a telecommunication device as described in NRS 209.417. **CLASS 5**
- yy. Possession and/or Introduction of non-intoxicant contraband. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval of the Warden or designee to possess any personal items while on duty. **CLASS 4**
- zz. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**
- aaa. Failure to cooperate with official investigations conducted by the Department or other criminal justice agencies, when such failure does not violate an accused' Constitutional self incrimination protection. **CLASS 3**
- bbb. Failure to safely operate motor vehicles while on duty – When the failure results in significant damage, bodily injury or death. **CLASS 5** When the failure results in minimal damage and/or minor injuries. **CLASS 3**
- ccc. Failure to report an inmate's sexual activity. **CLASS 5**
- ddd. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. **CLASS 2**

16. SEXUAL MISCONDUCT

- a. Any sexual contact including but not limited to, oral sexual contact or sexual intercourse, masturbation, homosexual acts, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual other than an inmate on State time and/or involving State property or equipment. **CLASS 5**
- b. Solicitation of any sex act with an inmate. **CLASS 5**

17. UNAUTHORIZED USE OF FORCE

- a. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4**
- b. Creating a situation where force must be used unnecessarily. **CLASS 4**
- c. Failing to report any use of force either as a participant or a witness. **CLASS 3**

18. UNBECOMING CONDUCT

- a. Engaging in horseplay with inmates and/or co-workers. **CLASS 3**
- b. Gambling on State property or while on duty. **CLASS 2**
- c. Unprofessional remark to an inmate. **CLASS 1**
- d. Providing contraband to an inmate. **CLASS 5**
- e. Abuse of sick leave. **CLASS 2**
- f. Borrowing from or lending to an inmate something of value. **CLASS 2**
- g. Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**
- h. Undue familiarity or unauthorized association with inmates or their families, either on or off duty. **CLASS 3**
- i. Divulging criminal records, medical records, or other legally protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 5**
- j. Unauthorized disclosure of confidential Department matters. **CLASS 4**
- k. Compromising the confidentiality of inmate affairs. **CLASS 3**
- l. Improperly buying, selling or furnishing contraband while on duty. **CLASS 4**
- m. Conducting unauthorized business transactions with an inmate. **CLASS 5**
- n. Improperly transmitting prohibited messages for inmates. **CLASS 3**
- o. NAC 284.650 (2) Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency. **CLASS 2**
- p. Improperly identified self, displayed badge or identification, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. **CLASS 5**
- q. Improperly wore the Department uniform in any bar, tavern, nightclub, or gambling establishment except in the performance of assigned duties. **CLASS 2**
- r. Retaliated against another employee for reporting a complaint of misconduct. **CLASS 3**

- s. Improperly inciting another to fight. **CLASS 4**
- t. Unauthorized use, misuse, destruction or waste of property belonging to another employee, a citizen or an inmate. **CLASS 2**
- u. Displaying pornographic or adult pictures, movies, or videos to inmates, employees or to persons outside of the Department while on duty. **CLASS 5**
- v. Any conduct whether on or off duty which negatively reflects upon the image of the State of Nevada or the Department of Corrections. **CLASS 1 - 5**

339.08 APPLICABILITY

- 1. This regulation applies to all classified and unclassified employees of the Department.
- 2. This regulation does not require an OP.
- 3. This regulation does not require an audit.

REFERENCES: ACA Standards 4-4069; 4-4048; 4-4067

Howard Skolnik, Director

Date